PF 140 of 95

G. R. S. IX-5]

Previous references.

LR 86-93.

1897-98

~~192~~

(L.R.)

File No. 118 of 97

Serial Nos. 1—6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—6

Major ~~Part B~~ for July 1898

SUBJECT.

Appeal of Malle Ningappa ~~of~~ ? regarding Alienation of lands in Hiriyur Taluk.

WD 2233—GPB—20,000—14-6-20

Indexed
-ws.

Petition no 2571
of 1897-98

1) Stamp sufficient
2) out of time by nine Months from the date of Mr Weir's ord^r but this ord^r refers to a previous order of Mr Sparke's. This delay is explained by the pet^r as due to Mr Weir
3) appeal against D/Comm^r's order directing the pet^r to pay an upset price for Sno 52 (measuring 16 acres 0 roods) at the rate of 25 Rs an acre as ordered by Govt
4) Not accompanied by Court fee

The papers in the opposite shew that Sno 52 was sold to the pet^r in March 1892 for 12½ Rs (vide memo attached to Sno 9 of the file) that on the appeal of Tyare Gowda who represented that he had been the khatedar of the Lands before the granting the D/Comm^r revoked the sale & pet^r

16/5/98

Iyare Sonda in possession of Sns 52 &
13 other Lands, (Jns 4 & 9), that
subsequently as it was found
that Iyare Sonda had never
been in possession of the lands (the
farmers & as 3 of the lands
(including Sns 52) were reported
by the Executive Engineer as ~~liable~~
liable to be inundated by a proposed
channel from the Kukkandra
tank, all the 14 lands (including
Sns 52) were reserved for disposal
under † Govt Roc No 382-90
dt 1/10/88 (about contributions &
the sale of dry lands liable to be inundated
into wells) & that this was
approved by Govt (Jns 17 & 19)

= However the petr subsequently
obtained the land & what is
the Govt under reference to by the
Commr are not clear. The
attention of the Dy Comr may be
drawn to Govt Nos 6284-91 dt 29/7/93
Petn 544
which directs that such orders should
be absolutely cancelled

Submd to 2nd Commr
dy 11/5/98

Rd 7 pm
11-5-98.

† & spare copy is in the file

A & a deed pr the reference in
the Rev Branch handwritten
portion.

× copy filed up/
dt 18/5/98
Govt Order dt
passed pr endorsement
dated 16.5.98

Pet^r no 2541

The DS (council) says that the Govt have directed the levy of an upset price at the rate of 25- Rs per acre

= The papers in the Rly file do not carry matters further than 1894 when it was decided to allow the lands including S no 52- to lie waste pending the repair of the Kukkasandra tank

= Any rep of a late date in the Rev Board?

28/7/98

Pet^r no

I went through the Index in monthly vols of 1895, 96 & 97 but the above order was not borne out. In the absence of No and date it is not possible to trace it out. There are some papers in the P.W.Secy's office regarding the restoration of the Kukkasandra Tank. Enquiry may be made there for the above refee.

DS.
6/5/98.

Subd.

7.5.98 MS

In person

Copies of orders produced

20/15/4/98

Refer (G.O. referred to)

19.4.98

Ver: Records

Please put the appeal petn of Tyare Kowji & others & the Govt order if any on the subject

21/4/98

Returned by Comrs letter No 3/0 4/16-1-98.

1893-94 198 379

2642 } 14-8-94

26 94

13-9-94 1761

20 4 98

Copy No 161 of 96 is put up.

21.4.98

20.4.98

Submd

O/ 2 Rs Stamp affixed - (Sd)

I/ The order appealed against is dt 27th May-97 - out of time by more than 7 months which the petr explains is due to illness

21/4/98

Recd back completed

21/4/98

1898

No. 2541

Name of Petitioner Malla Kangaji

Village Chanda Kirigur

Taluk Kadur

District Kadur

Date of Arzi 15-4-98

Date of Receipt 15-4-98

Date of Disposal

No. of Enclosure Two

L R. 118-97-1

ABSTRACT

Translation of Kadur Dy Comrs Endt: No: 254 of 27-5 to the petitioner-

Read correspondence ending with Kadur Assistant's note No: 1762 of 97-8 your petitioner 24th April last taking objn to pay at the rate of 25 Rs acre for Survey No: 52 of Chanadur Village - Orders have been received from Govt: to recover at the rate of 25 Rs per acre - the area of Survey No: 52 is 16 a 1 and

and at the rate of 25 Rs per
acre the value comes to Rs 408-2-0.
The former Dep: Commr Mr
Sparkes has after personal
inspection ordered to the above
effect - I see no reason to
interfere in the matter - You
must pay the amount forthwith
The Amildar has been directed
to recover the amount, according
to rules, in the event of failure"

The petitioner states that 8 a 28 G
of dry land assessed at Rs 5-8-0
& bearing survey No: 52 of
Timmapoor village has been
included in his Khata; that
he purchased the said land
for Rs as 12-4-0 in an auction
which was held in pursuance
of a darkhast for cultivation;
that Iyare Gauda & others of
that village out of ill-will ap-
plied to the Dep: Commr Govt. for
the grant of the same land;
that the petitioner does not
know what orders
were passed on their
application; that the land
was, at the first instance,
purchased by the petitioner
in an auction

2/

auction; that he has spent about two hundred rupees for filling up the pits besides incurring an expenditure of more than one thousand rupees for the construction of a tank; that he has learnt that Govt: encourage people who undertake to build tank at their own expense that under the circumstances his application for praying for the grant of a land under the tank was ignored & the Govt: decided that 25 Rs should be recovered per acre of land granted that the Survey department have deducted 7 a 25 G. out of a 8 a 28 G. as Kharab, that the channel of Kookoorsamy tank which runs on the land takes away a portion of Survey No: 5 that it is not justifiable to demand a price of Rs 25/- per acre for such land as

The petition of the tank (Kookoorsamy) known as Kookoorsamy tank

Tank

as has not been objected being
deducted as Kharab; that
the local authorities have
attached the petitioner's im-
-moveable property worth
5 or 6 thousand rupees for
his failing to pay assessment at
rate of Rs 25/- per acre for
the whole area; that the
sale of his attached immoveable
property is posted for the 19th
Inst:; that he is prepared
to give back survey No: 52
in the event of the Govt:
Enforcing the payment
of the price; that he is will-
-ing to pay at the rate pres-
-cribed by Govt: for such
area as could be cultivated
by the water of the tank &
that if his request cannot
be granted by Govt: he will
forego all his claims for
the said land which he
improved at a great cost

Prays that the Collector, records
may be sent for & perused
& equitable orders passed
& that the sale posted for the

Petn No: 2541

I/ for the 19th inst. the Cancelled

the petitioner further state that he had been unwell & consequently he could not come personally earlier/-

19/4/18

Enclosures.

(1) Sale notification -

(2) D/y Comm's Endt: No: 256 dt 27-5-98

Petr states that a portion of the land is Khanab & should not be valued at Rs 25 an acre. He also differs from the D/y Comm r regarding the extent of the survey number

My 16/5/98

Pet
1423 pr

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L R 118-97-2

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition Registered No. 2541 dated 15-4-98 received at the Dewan's Office from Mulle Ningappa of Chowlu Hiriyur village in Kadur Taluk, appealing against the order of the Deputy Comr directing the pets to pay an upset price for land S. No. 3 of Hiriyur village at the rate of 25 Rs per acre as ordered by Govt

is forwarded, together with its two enclosures, to the Deputy Comr of the Kadur Dist for report as to how the pets statements of claim, the land under reference and which is the subject of the Govt order is referred to by him in which dispute the Govt granted to pets

The attention of the Comr is invited to Govt Proc No 6284-91 dated 29.9.93 which directs that such orders should be distinctly specified

By order,

BANGALORE, 189 Secretary.

3. The Petitioner to enclosures should be returned

21/23/5/98

C2
15/5/98.

By order

for Secretary

18/5/98

1. For a report in the matter of the case & as in the points urged in the petn for

2. It is not clear what the expenses & in the Govt Comrs Instr The attention

1898

REVENUE DEPARTMENT
No. 9418
JUN 24 1898
REVENUE OFFICE

From The Deputy Commissioner
Tuticorin.

To The Secretary to Govt
General & Revenue Depts

L.R. 118-973

Dated 17th
Despatched 21st June
Received
General No. 8C 1 / 1897-8.
No.

Enclosure No. ver. Records

Reporting on the petition of
Mallerlingappa of Chinnur
village, Kadur Taluk, appeal-
ing against the order of the
Deputy Commissioner, di-
recting the petitioner to pay
an upset price of Rs 36/- for
land. Survey No 52-

Petition 10
24-6-98

Ref put up
AK
27/6/98

Subd
MG
1/7/98

Ref put up
14/7/98

Subd
MG

Rd 7.20 hrs.
14.7.98.

Recorded
MG

Ref 2nd Committee with
rep: The Commissioner
in further report has
this report. Has received to-day
14/7/98

Chittagong
17th June 1898

From

The Deputy Commissioner
Hadar District

To

The Secretary to Government
General and Revenue Depto

Sir

In reply to Government official
memorandum no Rev/1423 dated 21st March,
forwarding for report petition
received from Malle Singajee of
Sirinjee village, in the Hadar Sahib,
appealing against the order of the Deputy
Commissioner, directing the petitioner
to pay an upset price of Rs 25 for land
survey no 52 I have the honor to report
as follows:-

1. The facts of the petition having
authorizedly cultivated a portion of the
land, survey no 52, of the Sirinjee
village, was brought on the Sahsan
sheet for 1894-95 and the then Deputy
Commissioner Mr Hankey ordered
that the appellant should quit the
the land which it was observed, was
no great hardship since the petition
er stated that he had planted only
20 cocoanut plants.

2. The Government on the appeal
of the petitioner were pleased to direct
in their Proceedings no 2-1/95-14-95 dated 15th

July

July 1895, that the special case on which should be reserved, and that while paying the fee, the petitioner's possession of the land might be confirmed to him without prejudice to the right of Government to impose a water rate, or levy the assessment when the channel from the Kittanduwa tank was completed.

3. Mr. Phaniso, in pursuance of the above order, directed the Amildar to require the petitioner to pay Rs 108-2- for 15 acres - 15 gunias, which is the total extent of survey No 52 at Rs 2 per acre.

4. The Amildar of the Medawachchiya reported that the total extent of survey No 52 was 15 A - 15 G, of which, according to survey classification, the arable land was put down at 8 A - 25 G, exceed at Rs 5 - 8 -, while the remaining portion, viz:- 7 A - 25 G, was merged in the survey number and designated as Pivot Kiranai. The petitioner appeared before the Ganabendary Officer, and prayed that the enhanced rate might be levied only on the arable land.

5. Mr. Chanter personally inspected the land on 25th August 1926 and passed the following order:-

"Malle Singa was ordered to pay at the rate of Rs 20/- per acre on the Khanaikland of 7-20 A.G. as he stated that it is not fit for cultivation but is agreeable to pay at the rate of Rs 20/- per acre for the balance, viz:- 8-28 A.G. On inspecting the land this morning, I found the whole of the land was cultivable and what is more that it had been cultivated and nearly the whole of it can be irrigated from the new channel recently opened. I presume the 7-20 A.G. was deducted on account of the dry nallah which exists, but I found that even this had been completely cultivated and I therefore see no reason why Malle Singa should not pay at the rate of Rs 20/- per acre for the whole extent of 8-28 A.G. and the Amildar is accordingly directed to recover the amount of Rs 408-2-"

6

6. In spite of the appeal orders for the recovery of the amount, the petitioner failed to pay the amount. He again put in a petition on 26th April 1897 to Mr. Weir, who, after perusing the records, passed orders on 2nd May 1897 declining to interfere in the matter and directing the case to be taken under the Land Revenue Code to recover the full amount. It is against this order that the petitioner has now appealed to Government.

7. Notice was issued to the petitioner to pay the amount and on his failure to do so his Khata Land, described in the margin, were declared forfeited to Government, and were advertised for sale on Tuesday 9th April 1898. The Sheristedar of the Bradia Taluk, who went to the village to conduct the sale, explained that the petitioner had paid the Land Assessment due on the land, and that only the appeal fines, viz:- Rs 4 3 8 - 2 - 4 were due. At the appointed time a fine was due

Survey no	Area	Assessment
11	12-15	7--
41	6-16	4-8-.
42	21-11	15--
44	12-29	8-8-.
52	8-28	5-8-.

on survey No 52 the gradient the land to survey, three wells were getting coming. The Director reports that the pipe to state no part of the land in question will be irrigable from the channel to be opened from the Kuttanadu tank, as the channel is 4 or 5 feet below the land. The exhaust price of Rs 20/- per acre appears to have been fixed by Government as per prevailing the rates of the lands in the neighbourhood which would be benefited after the completion of the channel from the Kuttanadu tank.

8. The Assistant of the Karuvatta, who inspected the land on the 20th May last, confirms the opinion of the Director adding that the construction of the tank is very nearly finished, that the land recently within the exhaust below the tank, and is to this not benefited by the channel.

9. As there appears to be, still some doubt as to what, if any, part of the petitioners land will benefit by the water of the newly constructed channel of the Kuttanadu tank, I would suggest that the land should be again inspected either by the depty

Comte

Commissioner or the General Assistant Commissioner before final orders are passed with regard to the rejected Price to be paid by Petitioner.

10. The Petition of Appeal, receipt with the Government Rents under protest, returned and the remainder correspondence is enclosed for perusal and favour of return.

I have the honour to be,

Sir,

Your most obedient servant.

[signature]

Deputy Commissioner

Western District

A.S.

REVENUE DEPT.
Cl. No. 243
JUL 2 1897
MAN'S OF

(12)

From J. E. L. Carnegie
Deputy Commissioner
Kadir District

To
The Secretary to Govt
General and Revenue Dept.

Dated 7th July 1898
Despatched 9th July 1898
Received Camp Ajjanpur
General No. 11
No.

Enclosure No.

Reporting further on the petition of Male Linga of Ajjanpur complaining against the levy of an enhanced rate of Rs 25 per acre of land, survey no 2 of Ajjanpur village Kadir Taluk.

L.R. 118-97-4

Memo already passed and in given effect to. It does not appear from the report that the diminution when the rate is raised to Rs 25 an acre is excessively heavy on the soil. It is competent to modify that order & remit the land - The amount must be received in due course under the provisions of the Revenue

MMB
24.7.98

X If ordered 1895 compound cannot be allowed from the date Draft the file rendered should be

MMB

25-7-98

Returned 12/1/98

B 13/7

Ref. No = 9418/700 from D.C. Kadir, letter No 801 dt 17-6-98. was submitted to the Govt Dept on 1-7-98.

AK
14/7/98

Bombay, 2nd January
Dated 6th July 1878.

From

H. E. H. Baron Lawrence —
Deputy Governor of Sind
Karachi Residency

To

The Secretary to Government
Political and Foreign Department

Sir,

I have the honour to acknowledge your
letter, No 1574 of June 1878, and with special reference
to the question raised by that letter, I
have the honour to state that I made a
personal inspection of the land, together
with the Surveyor and the Manager —
Bombay and Sind Steam Navigation
Company, on the 6th of July 1878.

2. The Channel from the Kaub River
end, and I find that no part of the
land in question will be required —
in regard to it, as the Channel is
to keep close the Kaub shore.

3. For this reason I do not see
what objection Messrs Wallace will not be
justified in making to the grant.
The case may be the case. The
Company's property is the Karachi

F

of the number on three sides, and the soil is fit for paddy cultivation and for the growth of cocoanuts, which can be watered by hand or by a picotta, out of the channel. I consider therefore, that the land is fully worth Rs. 25/- an acre, and I have very little doubt myself but that a very shrewd idea where the Kukkaundra channel would pass when he unauthorizedly entered upon Government land.

5. The Government claimed the sum of 25 rupees an acre, I foresaw, more or less, as afore for the encroachment, but as is shown above, this will be far from being the case, the land being well worth the money. I would therefore recommend Government refusing to land and delay putting it up to auction until the Kukkaundra project is an accomplished fact, should the petitioner then be willing to pay up the full amount Rs. 408-2- without further delay.

6. I would ask the Government to issue final orders as soon as possible as the amount has been out standing for

No Safe (14)

Proceedings of the Court of Mysore

L.R. 118-97-5

Read

Petn No 2541 dated 15th April 1898, from Malla Ningappa of Chowlur Hiriyur village, in the Kadur Taluk, appealing against the order of the Dy Comr, Kadur Dt, directing the petitioner to pay an upset price of 25 Rs per acre for land S.No 52 of Hiriyur granted to petn for cultivation, as ordered by Govt.

2 Correspondence ending with the letter No 11 dated 7th July 1898, from the Dy Comr, Kadur Dt, reporting on the above and recommending the re-sumption of the said No to Govt.

3 The records of the case

Read again

Govt Proceedings No 541 dated 11th July 1895 P.R. 14-95 directing

directing that the land in question may be put in possession of the petr on payment by him, as a special case, for unsold prices @ Rs 25/ per acre

order thereon No. 892 / C.F. 14-35 / dt. 28.7.98 / 30

The order already passed must be given effect to. It does not appear from the Dy Comrs report that the directions to levy the upset ~~price~~ value at 25/- Rs an acre will press heavily on the petitioner. It is not expedient to modify that order and resume the land. The amount must be recovered in due course under the provisions of the Revenue Regulation

24/7/98 for Secretary

To

The Dy Comr Chikmagalur

with records.

L.R. 118-97-6

(13)

25

ನಮ್ಮ ಪತ್ರ ನಂ. ಸಿ/೪೨೨/೧೮೯೮-೯೯

ಸಾಮಾನ್ಯ ಕಾರ್ಯಾಲಯ, ಬೆಂಗಳೂರು

ದಿನಾಂಕ ೨೬-೭-೧೮೯೮

ಸೇವೆಗೆ

ಶ್ರೀಯುತ ಎಂ. ಕೃಷ್ಣ

ಬಿ.ಎ.

ಮೈಸೂರು

ಮಹಾಶಯರೇ,

ನಿಮ್ಮ ಪತ್ರವು ೨೬-೭-೧೮೯೮ ರಂದು ಬಂದಿತು. ಅದರಲ್ಲಿ ಕೇಳಿರುವ ವಿಷಯವನ್ನು ಕುರಿತು ಈ ಕೆಳಗಿನಂತೆ ಬರೆಯಲಾಗಿದೆ.

ಇಂತಿ ನಿಮ್ಮ ವಿಧೇಯ ಸೇವಕರು

"By order"

ಸಹಿ/-

ಸೂಪರಿಂಟೆಂಡೆಂಟ್

ಆಯಿತು 26/7/98